

REMARKS

Claims 1 - 7 are pending the application; Claims 1, 2 and 4 stand rejected under 35 USC §102(e) and claims 3, 5-7 stand rejected under 35 USC 103(a). By this Amendment Claim 3 has been cancelled.

Claim 3 has been cancelled without prejudice in the interest of early arriving at a definition of allowable subject matter; the rejection of Claim 3 over Anupam is therefore believed to be moot at this time.

Claims 1, 2 and 4 stand rejected under 35 USC §102(e) over Sanderman; Applicant respectfully traverses this rejection, and shows below how Sanderman is overcome by the new Rule 131 declarations filed herewith in concert with the Rule 131 declaration already on file in this case.

Applicant gratefully acknowledges the opportunity for the undersigned to Interview the Examiner by telephone on November 21, 2003. During the Interview, all pending claims were discussed. In particular the prior art effect of Sanderman was discussed with respect to claims 1 and 2 and their dependents, as well as the Examiner's expressed concern that the Declaration of Thomas Morelli and the Second Declaration of Damion Hankejh did not establish to his satisfaction that the subject matter of claims 1 and 2 were in the hands of the inventors as of the 1996 dates discussed therein. Applicant's attorney pointed out however that paragraphs 4 and 6 of Morelli and paragraph 4 and 5 of Hankejh did in fact aver that the identical subject matter to claims 1 was in hand in March 1996, and that this subject matter was discussed and tested successfully in March 1996. The Examiner responded that these facts might be inferred from the cited paragraphs, but was not express in those paragraphs.

Applicant's attorney offered then to have revised declarations prepared that contained such express statements, and to file them in an RCE from which claims 2 and 3 were deleted, and asked if that would put claim 1 in condition for allowance. The Examiner, with suitable reservations as to an appropriate review of the revised declarations, and as to the conclusion of yet further searching on Claim 1, indicated in the affirmative that such an amendment and revised declarations would address and allay his currently expressed concerns about the allowability of claim 1.

Applicant has now prepared and submits herewith the revised declarations discussed during the interview. The Examiner's attention is directed in particular to revised paragraph 6 of the Second Morelli declaration and to revised paragraph 5 of the Third Hankejh declaration, where Morelli (paragraph 6) and Hankejh (paragraph 5) expressly aver that the subject matter of claim 1, namely, "In an internet communications environment, the improvement comprised of a combination of a chat function with a browser leading function," is in fact what was discussed and tested successfully by them at least as early as March 1996. They both further aver that a 'browser leading function', as defined in the specification and by them in the same paragraphs, is essentially whenever "entering a web address on a special address bar or the like inside the chat environment and activating it, [could] lead[s] all other chat participants' simultaneously running browsers to any location on the Web". Thus 'browser leading function' is defined and expressly supported in the declarations, consistent with the specification, in such a way as to expressly support the existence of this 'browser leading function' subject matter at least as early as March 1996, and the subject matter of claim 1 is expressly averred to have been both conceived and tested by March 1996.

Claim 1 and its dependents are therefore believed to be in condition for allowance as distinguished over Sanderman which does not teach the required browser leading function, all as

now expressly supported in the currently revised declarations filed herewith. Reconsideration of claim 1 and all of its dependents is therefore requested.

As to Claim 2 and its dependents, and although it was contemplated during the interview that Applicant would also withdraw Claims 2 and 7 , it appeared upon more detailed and careful consideration by Applicant during preparation of the revised declarations submitted herewith, that the subject matter of Claim 2 was likewise and after all impliedly supported as well for a conception date at least as early as March 1996 in the declarations on file and could also be expressly so stated in revised declarations, thus also supporting the distinction of claim 2 and its dependents over Sanderman.

Accordingly, Applicant has left Claims 2 and 7 in the case for reconsideration as well by the Examiner at this time. Applicant expressly requests a telephone call from the Examiner for an Interview as to Claim 2 and its support in the revised declarations, before any action is completed by the Examiner as to Claim 2.

The Examiner's attention is therefore also directed in particular to revised paragraphs 7-8 of the Second Morelli declaration and to revised paragraphs 6-7 of the Third Hankejh declaration, where Morelli (paragraphs 7-8) and Hankejh (paragraphs 6-7) expressly aver that the subject matter of claim 2, namely, "A communications process comprised of the following steps: a user clicks on a special hyperlink button on a website; the user is connected via the hyperlink to begin a real-time dialogue with a live sales or service person; the service person answers questions, makes sales or leads user to any desired location on the web" is in fact what was discussed and conceived by Hankejh at least as early as March 1996. Thus the subject matter of claim 2 is expressly averred to have been conceived by March 1996. The declarations of record already attest to diligent reduction to practice thereafter.

Claim 2 and its dependents are therefore believed to be in condition for allowance as distinguished over Sanderman which does not teach, in a communications process, how a user could click on a hyperlink button on a website, how the user is connected via the hyperlink to begin a real-time dialogue with a live sales or service person, or how the service person answers questions, makes sales and/or leads the user to any desired location on the web, all as now expressly supported in the currently revised declarations filed herewith. Reconsideration of claim 2 and all of its dependents is therefore requested as well.

Applicant believes that it has responded fully to all of the concerns expressed by the Examiner in the preceding Final Action, and respectfully requests reconsideration of all rejected claims and early favorable action on them as well.

Upon the Examiner's receipt and review of these currently filed papers, Applicant requests a call to Applicant's attorney Patrick Dwyer at (206) 550-4049 to set up a telephonic Interview.

Respectfully submitted,



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